

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STEVEN KRASNER, ALISON KRASNER, :
MICHELE TELLONE a/k/a Mike Tellone, :
TAMIE TELLONE, DAVID FIEDERLEIN, :
Individually and as Trustee for the :
FIEDERLEIN FAMILY LTD PARTNERSHIP, :
and BARBARA FIEDERLEIN, :
Plaintiffs, :

v. :

RAHFCO MANAGEMENT GROUP, LLC, et al., :
Defendants. :

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

11 CV 4092 (VB)

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Briccetti, J.:

Before the Court is Magistrate Judge Paul E. Davison’s Report and Recommendation (“R&R”), dated December 20, 2016 (Doc. #310), in response to the Court’s Order of Reference for an inquest on damages. (Doc. #267).

Judge Davison recommended entry of a Judgment against defendant RAHFCO Management Group, LLC – in favor of plaintiff David Fiederlein (individually) only – in the total amount of \$150,000.00.

Judge Davison further recommended that the applications of plaintiffs Steven Krasner, Alison Krasner, Michele Tellone, Tamie Tellone, Barbara Fiederlein, and Fiederlein Family LTD Partnership (David Fiederlein, Trustee) for an award of damages be denied.

Familiarity with the factual and procedural background of this case is presumed.

For the following reasons, the Court adopts the R&R as the opinion of the Court.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may raise objections to the magistrate judge’s report and

recommendation, but they must be “specific[,] written,” and submitted within 14 days after being served with a copy of the recommended disposition. Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1).

Insofar as a report and recommendation deals with a dispositive motion, a district court must conduct a de novo review of those portions of the report or specified proposed findings or recommendations to which timely objections are made. 28 U.S.C. § 636(b)(1)(C). The district court may adopt those portions of a report and recommendation to which no timely objections have been made, provided no clear error is apparent from the face of the record. Lewis v. Zon, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). The clearly erroneous standard also applies when a party makes only conclusory or general objections, or simply reiterates his original arguments. Ortiz v. Barkley, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008).

No party has objected to Judge Davison’s thorough and well-reasoned R&R.

The Court has carefully reviewed the R&R and finds no error, clear or otherwise.

CONCLUSION

Accordingly, the R&R is adopted in its entirety as the opinion of the Court.

The Clerk is instructed to enter a Judgment:

(1) awarding damages in favor of plaintiff David Fiederlein (individually) and against defendant RAHFCO Management Group, LLC, in the total amount of \$150,000.00; and

(2) denying the applications of plaintiffs Steven Krasner, Alison Krasner, Michele Tellone, Tamie Tellone, Barbara Fiederlein, and Fiederlein Family LTD Partnership (David Fiederlein, Trustee) for an award of damages.

Dated: March 7, 2017
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge